IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.138 OF 2006

Mrs.Shamim Aara
Mohammad Ismail ..Petitioner

Vs.

The Union of India & Ors. ..Respondents

...

Mr.Khan Abdul Wahab Advocate for Petitioner
Mr.J.R.Solanki for Respondent No.1-Union of India
Mr.V.B.Konde-Deshmukh A.P.P. for Respondent No.2

...

CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : MARCH 7, 2006

P.C.:

1. The petitioner's husband's sister's husband is involved in a Bomb Blast case and therefore, on that count, police has taken objection to the grant of passport to the petitioner. The learned counsel for the Union of India invited our attention to para no.9 of affidavit dated 13th June, 2003 filed on their behalf wherein, it is stated that passport facility may not be granted to the applicant in cases where the police authorities/I.B. do not recommend to grant passport facility. This is a

very vague type of letter giving wide discretionary powers to the police without any reasons. Merely because, the petitioner is a related to an accused of Bomb Blast Case, in the aforesaid manner and when they are not living together at all, the petitioner's husband is dead, the petitioner and said accused are not living together though they may be living in one building, it is not a just reason for rejecting the application for passport of the petitioner. Therefore, passport authorities are directed to issue the passport to her if she otherwise fulfills all the conditions.

2. Writ Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]